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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/733,937	Applicant(s) BODIN ET AL.	
	Examiner David Faber	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed 6 April 2006.
2. Claims 1-27 are pending. Claims 1, 10, and 19 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-5, 10-11, 13-14, 19-20, and 22-23 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea et al (US PGPub 2002/0138331, published 9/26/2002) in further view of Ladd et al (US Patent #6,269,336, patented 7/31/2001).

As per independent Claim 1, Hosea et al discloses a method:

- identifying a presentation document for a presentation, the presentation document including a structured document having structural elements classified with classification identifiers; (Abstract, 4-7; An modified version of an HTML file is considered an presentation document. The structured document is the original HTML file. Paragraph 0043, line 1-5 disclose that a profile of the HTML file of the requested web page is formed of constituent components that include content component and formatting components wherein includes classifications of the content. Paragraph 0045, lines 14-16

discloses HTML file and its HTML profile combined being as one file, as in one document.)

- identifying a user participant for the presentation, the user having a user profile comprising user classifications; and (e.g. Paragraph 0041, lines 5-14; Paragraph 0048; In addition Paragraph 0043;0046-0047: Discloses the use of a user profile that contains user preferences that include demographic and psychographic data. Paragraph 0042 describes how user preferences are generated.)
- filtering the structured document in dependence upon the user classifications and the classification identifiers to create a session document. (Paragraph 0046-0047 discloses the use of the HTML file/profile and user profile by comparing the classifications of each content component with the user preferences to create a modified personalized web page.)

However, Hosea et al fails to disclose that the presentation document includes presentation grammar. On the other hand, Ladd et al discloses the use of voice grammar on a markup language document by using a voice browser. Ladd et al discloses the markup language contains text, navigational controls, and input controls for voice applications. (Column 15, lines 60-64) In addition, the markup language can include elements that place markers in the text to control interactive voice services. (Column 16, lines 11-14). With the use of the voice browser application, it fetches the markup language document for user interaction. (Column 13, line 66 – Column 14, line 9) The voice browser collects user input and determines the grammar for user's speech

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recognition. It determines if a pre-determined grammar exists for the input and markup language. Once the grammar been found, it's sent to the VRU server recognize the user input by comparing the grammar to the user input. (Column 14, lines 10-42; FIG 5) In addition, Ladd et al discloses the use of a detection unit that compares audio inputs to the grammar stored in database. The detector monitors the inputs for key phrases or word, which is then sent to VRU for responses to the said key phrase. (Column 10, lines 12-20)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with Ladd et al's method since Ladd et al's method would have provided users to access information from an information source using voice inputs or commands.

As per dependent Claim 2, Hosea et al fails to specifically disclose that identifying a presentation document includes inserting in a list a location for the presentation document. However, Hosea et al discloses that web servers host web sites that support HTML files in the form of web page and documents where in a network path to the site or page supported by a server that is identified by a URL. (Paragraph 0030) In addition, Hosea et al disclose that when a client accesses a web server through the Internet, the client connects through a ISP P.O.P. server that captures URL page requests from client machines for use in user profiling and distribute retrieved Web pages to users. (Paragraph 0030) It was well-known to one of ordinary skill in the art at the time of applicant's invention that when the P.O.P. server captured the URL page

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request, it would have been saved to a data structure, such as a database, wherein the database would list all the URL page requests stored indicating the location of the HTML page or document.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with the disclosure above since it would have provided the user a history of previous accessed URLs on locating a particular document previously viewed.

As per dependent Claim 4, Hosea et al discloses a method:

- extracting, from the structured document, structural elements having classification identifiers corresponding to the user classifications; and writing the extracted structural elements into a session structured document in the session document. (Paragraph 0043, lines 14-15 discloses that the HTML file is parsed to extract the constituent components, which include content components (Paragraph 0043, lines 5-7), and analyzing and rating the content components. Then, Paragraph 0047, lines 1-3, discloses uses the classification of each content component from the HTML profile/file to analyze its relevance to the requesting user wherein Paragraph 0046 discloses the process of comparing the components to the interest of the user and is either eliminated, rearranged, or new content may be added. Thus, a new modified Web page is created with the included components by the user preferences (Paragraph 0047))

As per dependent Claim 5, Hosea et al fails to specifically disclose that filtering the presentation grammar, in dependence upon the extracted structural elements, into a session grammar in the session document. However, Hosea et al discloses that the voice browser determines if pre-determined grammar or pre-existing grammar is contained in the markup language. (Column 14, lines 18-20) In addition, Ladd et al discloses the markup language contains text, navigational controls, and input controls for voice applications (Column 15, lines 60-64) and the markup language can include elements that place markers in the text to control interactive voice services. (Column 16, lines 11-14). Ladd et al's method of structural elements that contain voice commands, navigational controls, or voice place markers in a markup language can be incorporated into the structural components of Hosea et al's method allowing the creation of the modified HTML file in Hosea et al's that only contains voice elements to its relevant components, which links to the corresponding selected grammar, thus filtering out the grammar of the presentation document.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with Ladd et al's method since Ladd et al's method would have provided users to access information from an information source using voice inputs or commands.

As per independent Claim 10, Claim 10 recites a system for performing the method of Claim 1. Therefore, Claim 10 is similarly rejected under Hosea et al and Ladd et al.

As per dependent Claim 11, Claim 11 recites similar limitations as in Claim 2 and is similarly rejected under Hosea et al and Ladd et al.

As per dependent Claim 13, Claim 13 recites similar limitations as in Claim 4 and is similarly rejected under Hosea et al and Ladd et al.

As per dependent Claim 14, Claim 14 recites similar limitations as in Claim 5 and is similarly rejected under Hosea et al and Ladd et al.

As per independent Claim 19, Claim 19 recites a computer program product for performing the method of Claim 1. Therefore, Claim 19 is similarly rejected under Hosea et al and Ladd et al. Furthermore, Hosea et al discloses a recording medium (Page 7, Claim 45: memory for storing programs)

As per dependent Claim 20, Claim 20 recites similar limitations as in Claim 2 and is similarly rejected under Hosea et al and Ladd et al.

As per dependent Claim 22, Claim 22 recites similar limitations as in Claim 4 and is similarly rejected under Hosea et al and Ladd et al.

As per dependent Claim 23, Claim 23 recites similar limitations as in Claim 5 and is similarly rejected under Hosea et al and Ladd et al.

5. Claims 3, 12, and 21 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea et al (US PGPub 2002/0138331, published 9/26/2002) in

further view of Ladd et al (US Patent #6,269,336, patented 7/31/2001) in further view of Carter (US Patent #5,787,175, patented 7/28/1998).

As per dependent Claim 3, Hosea et al and Ladd et al fail to specifically disclose that identifying a user includes inserting in a list a user identification identifying a user in a presentation participant list. However, Carter discloses the use of adding a user to an access control list that would enable a user to access that document and other control rights. (Column 3, lines 25-42)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with Carter method's since Carter's method would have provided a method for controlling collaborative access to a work group document by the users.

As per dependent Claim 12, Claim 12 recites similar limitations as in Claim 3 and is similarly rejected under Hosea et al, Ladd et al and Carter.

As per dependent Claim 21, Claim 21 recites similar limitations as in Claim 3 and is similarly rejected under Hosea et al, Ladd et al and Carter.

6. Claims 6, 15, and 24 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea et al (US PGPub 2002/0138331, published 9/26/2002) in further view of Ladd et al (US Patent #6,269,336, patented 7/31/2001) in further view of Felciano et al (US Patent #6,052,730)

As per dependent Claim 6, Hosea et al and Ladd et al fail to specifically disclose storing the location of the session document in a session document list. However,

Hosea et al discloses the client receives the modified HTML file through the POP server for viewing by the user using the client browser. (Paragraph 0049) However, Felciano et al discloses that each document sent to the client, the original URL is modified before it is sent to the client. (Abstract, lines 10-15) Felciano et al discloses with the use of a gateway server using a CGI script called Lamprey in which Lamprey replaces every original URL in the requested document with a modified URL and returns the modified document to the client. (Column 5, lines 6-10) Thus, it was well known to one of ordinary skill in the art at the time of applicant's invention that when a browser loads an HTML file or other pages, the URL is saved into a history list by the browser indicating the location of the modified document.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with Felciano et al's method since Felciano et al method's would have provided a method on monitoring web browsing activates.

As per dependent Claim 15, Claim 15 recites similar limitations as in Claim 6 and is similarly rejected under Hosea et al, Ladd et al and Felciano et al.

As per dependent Claim 24, Claim 24 recites similar limitations as in Claim 6 and is similarly rejected under Hosea et al, Ladd et al and Felciano et al.

7. Claims 7-9, 16-18, and 25-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hosea et al (US PGPub 2002/0138331, published 9/26/2002) in

further view of Ladd et al (US Patent #6,269,336, patented 7/31/2001) in further view of Huang (US PGPub 2001/0032218, published 10/18/2001)

As per dependent claim 7, Hosea et al fails to specifically disclose creating a presentation grammar for the structured document, wherein the presentation grammar for the structured document includes grammar elements each of which includes an identifier for at least one structural element of the structured document. However, Ladd et al discloses the use of creating a markup language that document having a plurality of elements, that include markup tags, wherein elements describe the structure of the document, provide pronunciation of words and phrases, and place markers in the text to control interactive voice services, such as controlling phrasing, emphasis, pitch, and speaking rate. (Column 16, lines 5-20) The markup language also includes input controls for voice applications (Column 15, lines 60-64). Using an voice browser application to interrupt the markup language document, a grammar is dynamically created if a pre-existing grammar is not found in a stored database, and once generated it is sent to the VRU server. (Column 14, lines 18-42)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with Ladd et al's method since Ladd et al's method would have provided users to access information from an information source using voice inputs or commands.

Furthermore, Hosea et al and Ladd et al fail to specifically disclose creating, in dependence upon an original document, a structured document comprising one or more structural elements; classifying a structural element of the structured document

according to a presentation attribute. However, Huang discloses a method for converting unstructured documents into structured documents. (Abstract, lines 1-3) In addition, Huang discloses an identifier is assigned to each document element that may include a name, font, type name, or a color where the identifier is in data of each of the document elements. (Paragraph 0050, lines 5-7) In addition, FIG. 7 discloses the arranging of character data within classification element tags, such as ingredient, wherein each of the data elements for the character data contains element presentation attributes for font types and font colors. (FIG. 7, 706)

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al and Ladd et al's method with Huang's method since Huang's method would have provided users to convert unstructured documents for various presentations.

As per dependent Claim 8, Hosea et al and Ladd et al fail to specifically disclose identifying a presentation attribute for the structural element; identifying a classification identifier in dependence upon the presentation attribute; and inserting the classification identifier in association with the structural element in the structured document. However, Huang discloses using an association table (FIG. 5; Paragraph 0067, Page 6, lines 3-6) for the document elements defined in a desired DTD and associated font attributes which parses the input document into data elements and its assigned font attributes. (Paragraph 0067) FIG. 6 discloses an editing result for the unstructured document in which each parsed data elements are assigned with font attributes that also involves region grouping of data elements. Hence, ingredient elements are grouped together,

and so are procedure elements. In correlation with the association table, the grouped elements are identified under one element, such as ingredient, and are inserted during the converting of the structured document. FIG 7 discloses the insertion of element tags with each of its assigned attributes, which were assigned when the document was parsed, in which the use of mapping rules converted documents into a structured document.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al and Ladd et al's method with Huang's method since Huang's method would have provided users to convert unstructured documents for various presentations.

As per dependent Claim 9, Hosea et al fails to specifically disclose selecting, in dependence upon the content type, a full presentation grammar from among a multiplicity of full presentation grammars; and filtering the full presentation grammar into a presentation grammar for the structured document in dependence upon the structural elements of the structured document. On the other hand, Ladd et al discloses selecting a grammar from a pre-determined/existing grammar stored in a database or in the markup language based on the user inputs. (Column 14, lines 18-42) In addition, Ladd et al discloses the markup language contains text, navigational controls, and input controls for voice applications (Column 15, lines 60-64) and the markup language can include elements that place markers in the text to control interactive voice services. (Column 16, lines 11-14). Ladd et al's method of structural elements that contain voice commands, navigational controls, or voice place markers in a markup language can be

incorporated into the structural components of Hosea et al's method allowing the creation of the modified HTML file in Hosea et al's that only contains voice elements to its relevant components, which links to the corresponding selected grammar, thus filtering out the grammar of the presentation document.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al's method with Ladd et al's method since Ladd et al's method would have provided users to access information from an information source using voice inputs or commands.

Furthermore, Hosea et al and Ladd et al fail to specifically disclose identifying the content type of the original document. However, Huang discloses stating the unstructured document (Paragraph 0035, lines 8-12) is printed to a metafile format, mostly commonly Portable Data Format, so the metafile format can be opened or read identically in many different environments. (Paragraph 0043) It was well known to one of ordinary skill in the art that when converting the unstructured document into a metafile for conversion purposes, the program doing the conversion is able to read and understand the data format, able to identify the content type of the unstructured document and able to transfer the content into a metafile format.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to have combined Hosea et al and Ladd et al's method with Huang's method since Huang's method would have provided users to convert unstructured documents for various presentations.

As per dependent Claim 16, Claim 16 recites similar limitations as in Claim 7 and is similarly rejected under Hosea et al, Ladd et al and Huang.

As per dependent Claim 17, Claim 17 recites similar limitations as in Claim 8 and is similarly rejected under Hosea et al, Ladd et al and Huang.

As per dependent Claim 18, Claim 18 recites similar limitations as in Claim 9 and is similarly rejected under Hosea et al, Ladd et al and Huang.

As per dependent Claim 25, Claim 25 recites similar limitations as in Claim 7 and is similarly rejected under Hosea et al, Ladd et al and Huang.

As per dependent Claim 26, Claim 26 recites similar limitations as in Claim 8 and is similarly rejected under Hosea et al, Ladd et al and Huang.

As per dependent Claim 27, Claim 27 recites similar limitations as in Claim 9 and is similarly rejected under Hosea et al, Ladd et al and Huang.

Response to Arguments

8. Applicant's arguments filed 6 April 2006 have been fully considered but they are not persuasive.

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., presentation grammar is a data structure that includes a set of key phrases used to identify presentation action identifiers and optional parameters for use in formulating presentation control instruction instructions relevant to structural elements of a content type) are not recited in the rejected claim(s). Although the claims are interpreted in light

of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

10. In regards to the first limitation of Claim 1 wherein the Applicant argues in which Hosea et al does not teach, Hosea et al does disclose identifying a presentation document for a presentation. The claim language does not indicate what type of presentation the presentation document is used for. Thus, Hosea et al discloses a presentation document for presentation by having a modified document created to be provided to the user, wherein additionally, is viewed by the user (Paragraph 0049, lines 1-3). Therefore, the modified document is presented to the user for viewing making it's a presentation thus making the document for presentation a presentation document. In addition, Hosea et al discloses that the presentation document including a structured document having structural elements classified with classification identifiers. Hosea et al discloses the document used as a presentation document is an HTML file wherein the HTML file is a markup language file that includes content and formatting components. (Paragraph 0043) An HTML file has formatting components to structure the document on how it is viewed, while classification identifiers indicated the content components, coinciding with the formatting components, if it is a link, image or text string. Paragraph 0043, lines 1-5, and in addition, lines 5-9 discloses HTML file/profile is based on the same or similar content classification scheme to the user profile wherein the user profile includes classifications for the content components of the HTML file, therefore, the HTML file includes classification identifiers of the content.

11. In regards to the second limitation of Claim 1 wherein the Applicant argues in which Hosea et al does not teach, Hosea et al does disclose identifying a user participant for the presentation, the user having a user profile comprising user classifications. Since the claim language does not indicate what type of a presentation is being presented, Hosea et al discloses a presentation document used for presentation as disclosed in prior argument response. Thus, Hosea et al discloses the use of user profiles used to create the presentation document to be viewed, or identifying the user one may say, by accessing the user profile prior for presentation, and comparing the user profile with the HTML profile/file to create the presentation document. (Paragraph 0041) In addition, the user profile contains user preferences based on the nature of the user's Web surfing activity (Paragraph 0042) which act as user classifications (as also disclosed in Paragraph 0043) on determining the overall modified Web page when created as disclosed in Paragraph 0046-0048. The user preferences are used to add or eliminate content.

12. In regards to the third limitation of Claim 1 wherein the Applicant argues in which Hosea et al does not teach, Hosea et al does disclose filtering the structured document in dependence upon the user classifications and the classification identifiers to create a session document. Since the claim language does not indicate what type of session the session document is used, Hosea et al discloses the document generated provides a personalized Web page with the user's interest and preferences for user to surf as his time or session at the user's computer when delivered (Abstract; Paragraph 0049). In addition, Hoses et al teaches filtering the structured document (Paragraph 0046) in

dependence upon the user classifications and the classification identifiers. As Hosea et al teaches, filtering includes comparing the user profile, includes the user preferences and interests and the content components, include classifications of the content, to determine if a particular interest from the user preferences (classifications) shows a high or low interest when comparing against the content component classifications as disclosed in Paragraph 0046-0047. Based on the result of the comparison, some of the document content is filtered.

13. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In regards to the first claim limitation Applicant argues that Hosea et al does not teaches a presentation document including presentation grammar, the Examiner fully agreed in the Non-Final rejection Office action and still agrees in this office action. However, the Examiner disagrees in which the Applicant states Ladd et al does not teach this grammar. The claim limitation does not explain what the presentation grammar explicitly is as it is written leaving it up to various interpretations as Examiner saw fit in the prior Office action and still stands by in this Office action. Ladd et al

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discloses the voice grammar within a markup language that includes text, navigational controls, input controls (or one may view as commands) and elements that place makers in the text to control interactive voice services. In other words, the markup language includes elements for user to input by reciting a phrase to activate that corresponding functionality. Thus, a voice browser is incorporated to use the full functionality of the voice-grammar markup language that allows a user to interactive with the document presented in the browser. Doing so allows the grammar of the markup language be presented to the user when used by the browser, thus the document presented contains grammar used presentation as stated in Ladd et al's invention. (FIG 5; Column 10, lines 12-20; Column 13, line 66 – Column 14, line 10-42; Column 15, lines 60-64; Column 16, lines 11-14)

As stated above, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to combined or modify Hosea et al's method of a creating a presentation document to present with or to include Ladd et al's use of voice-grammar in a markup language document with a voice browser to for the user to interact with the document since would have provided users to access information from an information using voice inputs or commands wherein users can access up-to-date information such as news, weather, traffic etc, and able to perform transactions (Column 2, lines 48-58)

14. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

15. In response to Applicant's arguments in regards of the dependent claims should be allowed being based on independent claims remain rejected based on the response to the arguments stated above.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

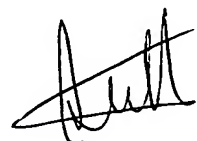
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Faber whose telephone number is 571-272-2751. The examiner can normally be reached on M-F from 8am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Faber
Patent Examiner
AU 2178



STEPHEN HONG
SUPERVISORY PATENT EXAMINER